

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MAURICE RHOADES,

Plaintiff,

Vs.

**BLUE CHIP PROPERTY
MANAGEMENT, INC., ET AL.,**

Defendant.

)
)
)
)
)
)
)
)
)
)
)

CASE NO.1:07CV802

JUDGE CHRISTOPHER A. BOYKO

ORDER

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Plaintiff Maurice Rhoades' Motion to Authorize Plaintiff Pro Se, Subpoena's Pursuant to Fed. R. Civ. P. 45(b)(2)(D) (ECF #30). For the following reasons, the Court denies Plaintiff's Motion.

Plaintiff seeks the issuance of subpoenas to the Custodian of the Records of the Ohio Civil Rights Commission, the Custodian of the Records of Southpointe Hospital and Robert Berk Counsel for Defendants. Pursuant to this Court's case management conference order of September 24, 2007, discovery was to be completed by January 22, 2008. Plaintiff did not move for authorization of the subpoenas until February 4, 2008 after the close of discovery. Also, Local Rule 16.1(b)(6) of the United States District Court Northern District of Ohio requires

counsel to initiate discovery well in advance of the discovery cut off date. The rule expressly holds that any discovery motions proffered after the close of discovery are not enforceable.

Therefore, the Court finds Plaintiff's motion is untimely filed and is therefore denied.

However, the Court holds that Fed. R. Civ. P 26 requires parties provide initial discovery under Rule 26(a)(1)(A) and additional discovery, no later than thirty days before the trial date, pursuant to Rule 26(a)(3). Therefore, the Court orders all parties to comply with the requirements of Rule 26 and exchange the requisite discovery no later than August 15, 2008. Failure to comply with the federal rules may result in sanctions including the exclusion of evidence at trial.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

August 5, 2008